

Atty Sanoian, Joanne, Law Offices of Joanne Sanoian (for Petitioner Jennifer Lewis, Executor)

## First Amended (1) First and Final Account and Report of Executor, (2) Petition for Its Settlement, and for (3) Final Distribution

DOD: 1/11/1999		<b>JENNIFER LEWIS</b> , niece and Executor appointed on 3/30/2004, is Petitioner. Letters issued on 4/2/2004.  <b>Account period: [3/30/2004 – 11/4/2013]</b> <b>Note:</b> Petition does not state the account period pursuant to Probate Code § 1061(a). However, based upon this atypical case characterized by lapse of time with few administrative actions taken and the simplified accounting presented, the account period may be presumed to be from the date of appointment and/or date Letters issued, to the date of the execution and verification of this accounting.  Accounting - <b>\$25,000.00</b> Beginning POH - <b>\$25,000.00</b> Ending POH - <b>\$25,000.00</b> (no cash; 1/5 interest in real property.)  Executor - <b>Not requested</b>  Attorney - <b>Not requested</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Page 3</b> is the related case of the <i>Estate of Gladys Thomas</i> (predeceased sibling.)  <b>Continued from 10/9/2013.</b> Minute Order states counsel requests a continuance to make the necessary corrections.  The following issue from the last hearing remains:  1. Need proposed order, including the distributions stated as being made to the estates of those devisees who are deceased.
Cont. from 100913			
Aff.Sub.Wit.			
✓ Verified			
✓ Inventory			
✓ PTC			
✓ Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters	040204		
Duties/Supp			
Objections			
Video Receipt			
CI Report			
✓ 9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice	N/A		

**Petitioner states:**

- The estate consists entirely of a **1/5 interest** in a parcel of real property in Fresno;
- Subsequent to the filing [on 6/9/2004] of the *Inventory and Appraisal* in this matter, a portion the real property was condemned by the Department of Transportation in an eminent domain action;
- The estate's parcel was assigned a new parcel description and APN (copy attached as Exhibit A);

~Please see additional page~

<b>Reviewed by:</b> LEG
<b>Reviewed on:</b> 11/13/13
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 1 - Atwater</b>

**Petitioner states distribution pursuant to Decedent's Will is to:**

- **[ESTATE OF] MARY LEWIS** – 1/4<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **DANNY THOMAS** – 1/8<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **LOIS ATWATER** – 1/32<sup>ND</sup> interest [in Decedent's 1/5 interest in real property]
- **JANICE EPPERSON** – 1/32<sup>ND</sup> interest [in Decedent's 1/5 interest in real property]
- **[ESTATE OF] LARRY ATWATER** – 1/32<sup>ND</sup> interest [in Decedent's 1/5 interest in real property]
- **[ESTATE OF] ARLETA ATWATER** – 1/32<sup>ND</sup> interest [in Decedent's 1/5 interest in real property]
- **CURTIS GILMER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **TONI MARSHALL** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **DENISE GILMER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **CHERYL GILMER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **BRIAN GILMER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **TOM GILMER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **GINGER FLEMING** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **CHERRY ATWATER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **WILLIAM HUBBY ATWATER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **DORIS JEAN ATWATER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **MARTHA ANN ATWATER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property]
- **NANCY ATWATER** – 1/24<sup>TH</sup> interest [in Decedent's 1/5 interest in real property].

**2A Theola Louise Baker (Estate)**  
**Atty Lee, Curtis (pro per former Administrator)**  
**Atty Kruthers, Heather (for Public Administrator)**

**Case No. 03CEPR01573**

**Status Hearing Re: Filing of the Account and/or Petition for Final Distribution**

<b>DOD: 10/19/87</b>	<p><b>CURTIS LEE</b>, son, was appointed Administrator with Will Annexed with bond in the amount of \$9,000.00 on 01/13/04.</p> <p>Bond was filed 02/19/04 and Letters were issued on 03/30/04.</p> <p>I &amp; A showing the value of the estate at \$9,000.00 was filed on 03/22/04 and Reappraisal for Sale I &amp; A filed 04/01/01 showed the value of the estate at \$13,000.00.</p> <p>On 8/29/12 the attorney of record, Darlene Kelly, was relieved as counsel.</p> <p>Minute Order from 8/29/12 the court set an Order to Show Cause hearing regarding Curtis Lee's failure to file an accounting. Curtis Lee was ordered to be personally present on 9/28/12. Counsel need not appear.</p> <p>On 9/28/12 there were no appearances.</p> <p><b>Minute order dated 11/16/12</b> states the court on its own motion removes Curtis Lee as the administrator and appoints the Public Administrator.</p> <p>Letters for Successor Administrator with Will Annexed were issued for the Public Administrator on 12/11/2012.</p> <p>The bonding company was mailed notice of Curtis Lee's removal as Administrator on 12/12/12.</p> <p><b>Former Status Report of the Public Administrator filed on 7/16/2013</b> states upon receiving the file Administrator and his attorney reviewed it to determine what the asset were, and what surcharge would be appropriate against the former administrator. However, upon further investigation, it appears that if Mr. Lee misappropriated any amount, it may only be \$3,000. In addition, he may be the only heir. The Public Administrator is sorting through County records to determine if there is any documentation to support his claims. Therefore the successor Administrator requests this matter be set out for 30 days, or a date convenient to the court.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>See page 2C Petition for Surcharge.</b></p>				
<b>Cont. from 092812, 111612, 011813, 071913, 082313, 091213, 101713</b>						
<b>Aff.Sub.Wit.</b>						
<b>Verified</b>						
<b>Inventory</b>						
<b>PTC</b>						
<b>Not.Cred.</b>						
<b>Notice of Hrg</b>						
<b>Aff.Mail</b>						
<b>Aff.Pub.</b>						
<b>Sp.Ntc.</b>						
<b>Pers.Serv.</b>						
<b>Conf. Screen</b>						
<b>Letters</b>						
<b>Duties/Supp</b>						
<b>Objections</b>						
<b>Video Receipt</b>						
<b>CI Report</b>						
<b>9202</b>						
<b>Order</b>						
<b>Aff. Posting</b>						
<b>Status Rpt</b>						
<b>UCCJEA</b>						
<b>Citation</b>						
<b>FTB Notice</b>						
<table border="1"> <tr> <td><b>Reviewed by: KT</b></td> </tr> <tr> <td><b>Reviewed on: 11/14/13</b></td> </tr> <tr> <td><b>Updates:</b></td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 2A – Baker</b></td> </tr> </table>		<b>Reviewed by: KT</b>	<b>Reviewed on: 11/14/13</b>	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 2A – Baker</b>
<b>Reviewed by: KT</b>						
<b>Reviewed on: 11/14/13</b>						
<b>Updates:</b>						
<b>Recommendation:</b>						
<b>File 2A – Baker</b>						

**2A**

**Status Report of the Public Administrator filed on 8/5/2013 states** the Public Administrator did not locate the whereabouts of the other three beneficiaries. The California Inmate Locator sited and TLO did not show anything for Billie Lee or Willie Lee.

If the Court accepts the allegations of Curtis Lee as set forth in his declaration filed on 12/2/2003, then the Court can determine that Mr. Lee is the only heir. Thus, no other person would be harmed by any purposeful or inadvertent misconduct while acting as administrator.

County Counsel confirmed Probate Referee Rick Smith that he was paid for his appraisal. Mr. Lee would still be responsible for fees owing to the Court.

If the Court does not accept Mr. Lee's allegations, the Public Administrator would need guidance from the Court to continue administering the estate.

**Note:**

The decedent died on 10/19/1987. It appears she was survived by her four children, former Administrator, Curtis Lee, Billie Lee, Jr., Willie Lee, Jr. and Bertha Lee. In Curtis Lee's declaration filed on 12/3/2003 he states he last saw his sister Bertha at their mother's (decedent) funeral. Mr. Lee states he last saw his brother Willie in 1995 and that he last saw his brother Billie in approximately 1999.

Decedent's Will devised her entire estate to her four children, Curtis, Bertha, Billie and Willie. Since they all survived, regardless if they subsequently died, they (or their estates) are entitled to a share of this estate.

Probate Code § 11850 allows for property to be distributed to the County Treasury where the whereabouts of the distributee is unknown. Therefore it appears that if the whereabouts of the Bertha, Willie and Billie (who are entitled to distribution because they survived their mother) is unknown then the share that would go to Bertha, Billie and Willie should be deposited with the County Treasury.

**Hearing Re: Request for Instruction**

<b>DOD: 10/19/1987</b>		<p><b>CURTIS LEE</b>, son, was appointed Administrator with Will Annexed with bond in the amount of \$9,000.00 on 01/13/04.</p> <p>Bond was filed 02/19/04 and Letters were issued on 03/30/04.</p> <p>I &amp; A showing the value of the estate at \$9,000.00 was filed on 03/22/04 and Reappraisal for Sale I &amp; A filed 04/01/01 showed the value of the estate at \$13,000.00.</p> <p><b>Minute order dated 11/16/12</b> states the court on its own motion removes Curtis Lee as the administrator and appoints the Public Administrator.</p> <p>Letters for Successor Administrator with Will Annexed were issued for the Public Administrator on 12/11/2012.</p> <p>The bonding company was mailed notice of Curtis Lee's removal as Administrator on 12/12/12.</p> <p>Minute Order dated 8/23/13 set this status hearing re: Request for Instructions (please see page 2A)</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>See page 2C Petition for Surcharge.</b></p>
<b>Cont. from 091213, 101713</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 11/14/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2B – Baker</b></p>	

2C Theola Louise Baker (Estate)

Atty Lee, Curtis (former Administrator)

Atty Kruthers, Heather H (for Petitioner/Successor Administrator/Public Administrator)

Case No. 03CEPR01573

Petition for Surcharge Against Former Administrator for Breach of Fiduciary Duty

[Prob. C. 9600 et seq; 11050]

<b>DOD: 10/19/1987</b>	<b>PUBLIC ADMINISTRATOR</b> , successor Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
✓ <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
✓ <b>Notice of Hrg</b>		
✓ <b>Aff.Mail</b>	W/	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>		
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
✓ <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCC/JEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
<b>Please see additional page</b>		

**Petitioner states** according to the Court file former Administrator Curtis Lee entered into a sale agreement for \$13,000.00 for the real property, the only asset of the estate. Chicago Title provided a Seller's Statement dated October 8, 2004. One line reads, "REIMBURSEMENT OF FEES PAID TO CURTIS LEE." The amount was \$7,415.00. According to an e-mail written by a woman named Cindy Lee, also provided by Chicago Title, the breakdown of the reimbursements were for attorneys fees, taxes, garbage bins, tractor rental and fines from the County. Of obvious concern to petitioner is money paid to an attorney before any fees were approved by this Court. Unfortunately, he is not aware of which attorney received the money from Mr. Lee, if any.

After all the fees, commissions, and other sale expenses were paid out of escrow, Mr. Lee received the remaining \$3,349.16. This is what he should have received in his capacity as personal representative. Instead he kept that money too.

Mr. Lee did not file an accounting of his tenure as administrator. Therefore, he should be surcharged for the total amount of the estate not accounted for. The sale of the sole asset was for \$13,000. Mr. Lee should be surcharged for the \$7,415.00 he took from escrow as "reimbursements". He should also be surcharged for the \$3,349.16 that was turned over to him as personal representative.

<b>Reviewed by: KT</b>
<b>Reviewed on: 11/14/13</b>
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 2C – Baker</b>

2C

Mr. Lee was sanctioned \$1,000 by the Court for failure to appear. He has not paid the sanction, and therefore, it should also be part of the surcharge against him.

The total surcharge against Curtis Lee, former administrator, is \$11,764.16. The Public Administrator and his attorney, County Counsel, will also see fees for their services in bringing the surcharge action. The underlying surcharge is more than the bond, proof of which, was posted on 2/19/2004 in the amount of \$9,000.00.

Petitioner requests that the bond company, Surety Bonding Company of America (SBCA), be ordered to pay to the successor administrator the full amount of the bond, \$9,000.00 as a surcharge against Curtis Lee, for breaching his fiduciary duty to the beneficiaries and creditors of the estate by misappropriating funds.

The Public Administrator reserves his right to seek payment for his and his attorney's services.

**Wherefore, petitioner prays that,**

1. The Court find that the former administrator, Curtis Lee, breached his fiduciary duty to the beneficiaries and the creditors of the estate.
2. The Court find that the actual loss to the estate is a minimum of \$11,764.16, and make an order of surcharge against the former administrator in that amount.
3. The bond company, SBCA, be ordered to pay the successor administrator the full amount of the bond, \$9,000.00.

**Declaration of David A. Roberts regarding Petition for Surcharge.** Mr. Roberts states he is a partner in the law firm of Caswell, Bell & Hillison, LLP (CBH). In 2003, Curtis Lee retained the law firm to probate his mother's will. Mr. Lee gave CBH an initial retainer and reimbursed them for costs incurred during the probating of the estate. Shortly after the court granted Mr. Lee's petition to sell the real property, CBH lost contact with him. The attorney who originated and was handling the matter left CBH. Upon review of the matters he left behind, CBH discovered this probate. CBH attempted to reestablish contact with Mr. Lee and upon failing to do so, file a motion and the court allowed them to withdraw from the case.

Only costs incurred in this probate proceeding in the amount of \$748.00 were paid to CBH by Curtis Lee. There were no attorney's fees paid. The attorney's fees in the amount of \$1,875.00 referenced in the Petition for Surcharge were never received by CBH.

**(1) First and Final Account and Report of Administrator and (2) Petition for Its Settlement and (3) for Final Distribution**

<b>DOD: 5/21/1980</b>		<b>BRIAN GILMER</b> , administrator, is petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
				<p><b>Page 1</b> is the related case of the Estate of Arthur Atwater (post-deceased sibling.)</p> <p><b>Continued from 10/9/2013.</b> Minute Order states counsel requests a continuance to make the necessary corrections.</p> <p>The following issues from the last hearing remain:</p> <ol style="list-style-type: none"> <li>1. Petition was verified by the attorney and not the fiduciary. Probate Code § 1023 states an attorney cannot verify for a fiduciary.</li> <li>2. Need proposed order, including the distribution stated as being made to the estate of the devisee who is deceased.</li> </ol>	
		Account period: [9/2/2004 – 9/22/2013]			
		<i>Note:</i> Petition does not state the account period pursuant to Probate Code § 1061(a). However, based upon this atypical case characterized by lapse of time with few administrative actions taken and the simplified accounting presented, the account period may be presumed to be from the date of appointment and/or date Letters issued, to the date of the execution and verification of this accounting.			
<b>Cont. from 100913</b>					
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Verified</b>	By	Atty		
<input checked="" type="checkbox"/>	<b>Inventory</b>				
<input checked="" type="checkbox"/>	<b>PTC</b>				
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>				
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>				
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			<p>Accounting                                -            <b>\$5,000.00</b>            Beginning POH                        -            <b>\$5,000.00</b>            Ending POH                              -            <b>\$5,000.00</b></p> <p>Administrator                           -            not addressed</p> <p>Attorney                                    -            not addressed</p>	
	<b>Aff.Pub.</b>				
	<b>Sp.Ntc.</b>				
	<b>Pers.Serv.</b>				
	<b>Conf. Screen</b>				
<input checked="" type="checkbox"/>	<b>Letters</b>	9/2/04			
	<b>Duties/Supp</b>				
	<b>Objections</b>				
	<b>Video Receipt</b>				
	<b>CI Report</b>				
<input checked="" type="checkbox"/>	<b>9202</b>			<p><b>Distribution, pursuant to intestate succession, is to:</b></p> <p>Carol Gilmer (deceased) – 50% of the decedent's 1/5 interest in real property.</p> <p>Danny Thomas -            50% of the decedent's 1/5 interest in real property.</p>	
	<b>Order</b>		X		
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>				
	<b>UCCJEA</b>				
	<b>Citation</b>				
	<b>FTB Notice</b>				
				<p><b>Reviewed by: KT / LEG</b></p> <p><b>Reviewed on: 11/13/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 3 - Thomas</b></p>	



**(1) Second and Final Account and Report of Personal Representative and Petition  
for Its Settlement and (2) for Allowance of Commissions and Attorneys Fees for  
Ordinary and Extraordinary Services and (3) for Final Distribution**

<b>DOD: 07/30/2008</b>		<b>JAMES E. SHEKOYAN</b> , Executor, appointed on 09/09/2008 with full IAEA authority, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account Period: 01/01/2010- 08/18/2013	<p><b>Note:</b> James E. Shekoyan is partner in the Baker Manock &amp; Jensen, PC law firm therefore pursuant to Probate Code § 10804 a personal representative who is an attorney shall be entitled to receive the personal representative's compensation for services as the attorney for the personal representative <b>unless the court specifically approves right to compensation in advance</b> and finds that the arrangement is to the advantage, benefit, and best interests of the decedent's estate. <i>Under the Law Revision Comments</i> the term "estate attorney" is to be given a broad meaning for the purposes of this section and includes the associates, partners, and attorneys of counsel with the law firm of the attorney retained by the personal representative as estates attorney.</p> <p>1. Need receipt for preliminary distribution to College of Veterinary Medicine of Cornell University in the amount of \$1,220,000.00.</p>
<b>Cont. from</b>		Accounting - <b>\$2,559,180.68</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning - <b>\$2,526,258.98</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending - <b>\$1,121,757.52</b>	
<input type="checkbox"/>	<b>Inventory</b>	Administrator – \$38,319.59	
<input type="checkbox"/>	<b>PTC</b>	Statutory	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Attorney - \$18,907.67	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	(Statutory is \$38,319.59)	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	(Pursuant to Order of 08/31/2010 Attorney was paid \$19,411.92, leaving a balance of \$18,907.67)	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>	X/O - \$5,981.50	
<input type="checkbox"/>	<b>Conf. Screen</b>	(\$3,850 for sale of real property and \$2,596 for income tax per itemization)	
<input type="checkbox"/>	<b>Letters</b>	09/10/08	
<input type="checkbox"/>	<b>Duties/Supp</b>	Court Costs (Attorney) - \$460.50	
<input type="checkbox"/>	<b>Objections</b>	(filing fee, certified copies)	
<input type="checkbox"/>	<b>Video Receipt</b>	Closing reserve - \$10,000.00	
<input type="checkbox"/>	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>	<b>Petitioner requests</b> an Order that:	
<input checked="" type="checkbox"/>	<b>Order</b>	<ul style="list-style-type: none"> <li>Petitioner be authorized to retain \$10,000.00 in cash for closing expenses;</li> <li>Petitioner be authorized and directed to pay to Baker Manock &amp; Jensen, PC the sum of \$25,349.67;</li> <li>Petitioner be authorized and directed to pay himself \$38,319.59 as statutory commissions for ordinary services as administrator;</li> <li>Distribution of the estate in petitioner's hands and any other property of the Decedent or the estate now known or discovered be made to the persons entitled to it.</li> </ul>	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		

Atty Ruiz, Amanda E., of County Counsel's Office (for Petitioner Public Guardian, Trustee)

## Second Account Current and Report of Trustee; Petition for Allowance of Compensation to Trustee and Attorney [Prob. C. 15681; 15688; 16062; 16063]

Age: 75 years	PUBLIC GUARDIAN, Trustee, is Petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Notice of Hearing filed 10/24/2013 that was mailed to SNT Beneficiary indicates this hearing is for the First Account rather than the Second Account.  <b>Notes for background:</b> <ul style="list-style-type: none"><li>This Special Needs Trust (SNT) was created by the SNT Beneficiary's mother, Juliette Sangster (DOD 3/26/2010), and following her death, and the resignation of Santa Barbara Bank as Successor Trustee, Petitioner was appointed Successor Trustee by this Court on 8/4/2010. Based upon Schedule A(6) of the Second Account, the SNT received its final distribution from Juliette Sangster's Trust on 9/24/2012.</li><li>Petitioner's First Account covering two years (8/4/2010 to 7/31/2012) was approved 1/17/2013. The instant Second Account covers one year.</li><li>Petitioner is Conservator of the Estate of William Sangster in Case #09CEPR00249, in which a status hearing is set for the filing of the Third Account on 7/11/2014.</li></ul> <b>Note:</b> Court will set a status hearing on <b>Friday, 1/22/2016 at 9:00 a.m. in Dept. 303</b> for the filing of the Third Account of the SNT. Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.
	<b>Account period: 8/1/2012 – 7/31/2013</b>		
Cont. from	Accounting -	\$162,387.21	<b>Reviewed by:</b> LEG <b>Reviewed on:</b> 11/13/13 <b>Updates:</b> <b>Recommendation:</b> <b>File 5 – Sangster</b>
Aff.Sub.Wit.	Beginning POH -	\$157,419.35	
✓ Verified	Ending POH -	\$138,468.90 (all cash)	
Inventory	Trustee -	\$1,659.20 (8.00 Staff hours @ \$76.00 per hour and 10.95 Deputy hours @ \$96.00 per hour.)	
PTC	Attorney -	\$1,250.00 (Via reference to fees for conservatorships per Local Rule 7.16.)	
Not.Cred.	Bond -	\$346.17 (ok)	
✓ Notice of Hrg	<b>Petitioner prays for an Order:</b>		
✓ Aff.Mail W /	1. Approving, allowing and settling the Second Account and Report of the Trustee;		
Aff.Pub.	2. Authorizing payment of the Trustee and Attorney fees; and		
Sp.Ntc.	3. Authorizing payment of the bond fee.		
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202 N / A			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

## (1) First and Final Report of Personal Representative and (2) Petition for Final Distribution and (3) Allowance of Attorneys' Fees on Waiver of Accounting

<b>DOD:9-3-12</b>		<b>JAMIE L. HAMILTON</b> , Administrator with Will	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Decedent's will provides that "all of my monies and assets and personal items be spent taking care of" the decedent's pets, and upon their death, all monies assets and personal items are devised to Jamie Hamilton (Petitioner).  Petitioner contends that the statement in the will that the decedent's property be spent taking care of his pets is precatory and not compulsory; therefore, the estate should be distributed outright to Petitioner. Authority cited.  Petitioner states the decedent's dog predeceased the decedent, and the two cats (age approx. 12 years) are being cared for by Petitioner. Petitioner will agree to honor her father's wishes and care for his cats for their lifetimes.
		Annexed with full IAEA without bond is Petitioner.	
		Accounting is waived.	
	<b>Aff.Sub.Wit.</b>	I&A: \$320,000.00	
✓	<b>Verified</b>	POH: \$199,855.18	
✓	<b>Inventory</b>	Administrator (Statutory): Waived	
✓	<b>PTC</b>	Administrator (Reimburse costs): \$33,305.64	
✓	<b>Not.Cred.</b>	(funeral, costs associated with the decedent's residence, costs associated with the decedent's pets)	
✓	<b>Notice of Hrg</b>	Attorney: Hourly rate per agreement, not to exceed statutory sum of \$9,400.00	
✓	<b>Aff.Mail</b>	Costs: \$1,259.00 (filing, certified letters, appraisal)	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
✓	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
✓	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
✓	<b>FTB Notice</b>		
			<b>Distribution pursuant to Decedent's will:</b>  Jamie L. Hamilton: Entire estate (\$110,693.00 cash plus misc. household furniture and furnishings and personal effects and vehicle.
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 11-13-13
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 6 – Hamilton</b>

(1) Petition for Final Distribution and (2) for Allowance of Compensation for Ordinary Services for Petitioner and Petitioner's Attorney on Waiver of Account  
[Prob. C. 10900, 10951, 11640, 10800, 10810]

<b>DOD: 3-19-12</b>		<b>ADELE ANN EBERWEIN and DAVID EBERWEIN, Co-</b> Administrators with Full IAEA without bond, are Petitioners.  Accounting is waived  I&A: \$369,572.53 POH: \$369,572.53 (\$124,572.53 cash, vehicle, real property)  Co-Administrators (Statutory): \$10,391.45  Attorney: \$8,313.16 (less than statutory)  <b>Distribution pursuant to intestate succession and          Agreement Re Reimbursement, Fees, and          Distribution and Assignment of Interest:</b>  Sue Rosenthal: \$19,000.00 as reimbursement plus \$19,556.98 (total: \$38,556.98)  Adele Ann Eberwein (reimbursement): \$7,000.00  David Eberwein (reimbursement): \$1,640.00  Adele Ann Eberwein: A 50% undivided interest in the vehicle plus cash of \$19,556.98  David Eberwein: A 50% undivided interest in vehicle plus cash of \$19,556.98  Beth Lipston: Real property located at 2724 W. Stuart in Fresno plus \$19,556.98 cash	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
✓	<b>Inventory</b>			
✓	<b>PTC</b>			
✓	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			W
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
✓	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
✓	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
✓	<b>FTB Notice</b>			
<b>Reviewed by:</b> skc <b>Reviewed on:</b> 11-13-13 <b>Updates:</b> <b>Recommendation:</b> SUBMITTED <b>File 7 – Lipston</b>				

**Petition for Authority to Expend Money for Support and/or Maintenance and/or Education of Minor, Christopher Rodriguez**

<b>Age: 6</b>	<b>CECILIA RODRIGUEZ</b> , Mother and Guardian of the Estate, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Need status of funds.</b>  Petitioner originally stated that the minor was expected to receive \$40,000.00 in death benefits. The Court granted guardianship of the estate on 10-29-13 and set status hearing for 12-6-13 for the filing of a receipt for deposit of money into blocked account.  <b>2. Ms. Rodriguez was granted a fee waiver in connection with the original petition; however, upon receipt of funds in the guardianship estate, fees will be due to the court. Therefore, need filing fees of \$870.00 (\$435 for filing of the original petition and \$435 for filing of this petition).</b>
	<b>Petitioner states</b> that prior to her husband's death, he was the main provider for the family, and she worked only seasonally in field work and otherwise cared for the children.	
	The following expenses are incurred monthly for the support and/or maintenance and/or education of the minor Christopher:	
<b>Aff.Sub.Wit.</b>	<ul style="list-style-type: none"> <li>Rent: \$300.00</li> <li>Food and household supplies: \$376.00</li> <li>Utilities and telephone: \$50.00</li> <li>Clothing: \$25.00</li> <li>Child care: \$600.00 (party for Chrystina)</li> <li>Transportation (gas, insurance, and rent on vehicle): \$620.00</li> </ul>	
<b>Verified</b>	Petitioner states she, Christopher, and Chrystina currently live with Petitioner's mother. However, this is only a short term option and Petitioner needs to find an apartment where she, Christopher, and Chrystina can live alone. This would be in Christopher's best interest.	
<b>Inventory</b>	Petitioner currently works at DFA of California and has to borrow a vehicle to get to work Monday through Friday 6am to 3pm earning \$9.50/hr. This is seasonal work expected to last until November 2013. Petitioner needs to purchase a vehicle so she can provide proper transportation to school, doctor, grocery, etc., for the benefit of Christopher.	
<b>PTC</b>	Petitioner states she is enrolled at Reedley College and will be starting classes in October 2013 for a certificate in business administrative assistant, which will take 12 months if she continues to attend part time.	
<b>Not.Cred.</b>	<b>Petitioner requests authority authorizing her to withdraw \$1,000.00 per month from the blocked account without further court order, to be expended for the comfortable and suitable support and/or maintenance and/or education of Christopher Rodriguez until further order of the Court or as the Court may deem proper.</b>	
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>	X	
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

Reviewed by: skc

Reviewed on: 11-13-13

Updates:

Recommendation:

File 8 – Rodriguez

Atty Joy, Maurice E., sole practitioner (for Petitioner Staci Ann Ragan)

## Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

<b>DOD: 7/27/2013</b>		<b>STACI ANN RAGAN</b> , daughter, is Petitioner and requests appointment as Administrator without bond ( <i>All heirs waive bond.</i> )	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		Full IAEA — OK	<b>Note: If <i>Petition</i> is granted, Court will set status hearings as follows:</b> <ul style="list-style-type: none"> <li>Friday April 25, 2014 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and</li> <li>Friday January 23, 2015 at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution.</li> </ul>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Decedent died intestate.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Residence — Fresno	
<input checked="" type="checkbox"/>	Notice of Hrg	Publication — Business Journal	
<input checked="" type="checkbox"/>	Aff.Mail	W/O	Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.
<input checked="" type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

**Petition to Determine Succession to Real and Personal Property (Prob. C. 13151)**

<b>DOD: 08/05/2013</b>		<b>DIONNA LUGO</b> , daughter, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. #9a(3) or #9a(4) of the petition were not answered regarding registered domestic partner.
		40 days since DOD	
		No other proceedings	
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>	I&A - <b>\$126,350.04</b>	
✓	<b>Verified</b>		
✓	<b>Inventory</b>	Decedent died intestate	
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>	<b>Consent to Transfer of Assets and Assignments of Interest filed 10/31/2013</b>	
✓	<b>Aff.Mail</b>	w/ states that Jason Lugo, decedent's son, understands through intestate succession that he would be entitled to 50% of the value of assets in the decedent's estate.	
	<b>Aff.Pub.</b>	Jason Lugo consents to transfer all assets listed in the Petition to Determine Succession to Real and Personal Property to Dionna Lugo and assign any interest that he might otherwise be entitled to und the Petition to Dionna Lugo.	
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>	Petitioner requests Court determination that the decedent's 100% interest in real property located at 142 Poppy Lane, Clovis, Ca., 2004 Toyota 4 Door EJ, SY and Wells Fargo Checking account pass to Dionna Lugo.	
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> LV
			<b>Reviewed on:</b> 11/14/2013
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 10 – Mendible</b>

Atty Sanoian, Joanne L. (for Petitioner Eileen Sutterfield)  
 Atty Burnside, Leigh (for Respondent/Cross Petitioner Ronald Gray)  
 Atty Sharbaugh, Catherine (court appointed for principal Lois Gray)  
 Status Hearing Re: Settlement Agreement

		<p><b>A Settlement Conference as held on 9/25/13. Minute order states the parties reach a resolution as set forth by Ms. Burnside. Upon inquiry the by the Court, each party individually agrees to the terms and conditions of the agreement. Ms. Burnside is directed to prepare the agreement.</b></p> <p><b>Background:</b></p> <p><b>EILEEN SUTTERFIELD</b>, child and co-agent pursuant to the Durable Power of Attorney, filed a Petition to Compel Agent to Act.</p> <p>The Petition states the matter concerned the co-agent, Ronald Gray's, lack of cooperation in regard to the Power of Attorney and therefore detrimentally affecting the Settlor's property, assets and intent behind drafting the documents.</p> <p>Petitioner alleges Lois Gray, on or about 4/8/2009, executed The Durable Power of Attorney for Management of Property and Personal Matters. Petitioner states she is aware of the terms of the POA. Based on her firsthand knowledge and having read the POA, the Petitioner contends that she and her Co-Agent were designated to pay all necessary debts including the power to sell ownership of the property.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>A Stipulation for Appointment of Neutral Fiduciary and For Settlement of Dispute was submitted to the Court ex parte on 10/16/2013. Order signed by Judge Robert Oliver on 10/17/13 states the Lois Gray Living Trust, dated April 8, 2009 is not properly before the court. For the court to make an order regarding the appointment of a successor trustee for the Lois Gray Living Trust a new action must be commenced for the Lois Gray Living Trust. The Court declines to sign an order regarding the Lois Gray Living Trust until it is properly before the court. – A copy of the order was mailed to attorney Leigh Burnside on 10/17/13.</b></p> <p>1. Need current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<b>Cont. from 101613</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 11/15/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 11 – Gray</b></p>	



Lois Gray is currently residing at Cottonwood Retirement facility. The Settlor recently suffered from a stroke and is now diagnosed with dementia. The cost of living at Cottonwood is approximately \$4,720 each month with additional medical incidental costs of \$1,250.00.

Petitioner contends that pursuant to Section 2.A.(1) the Co-Agents are capable of taking any action necessary regarding the Settlor's real and personal property. This would include the Settlor's mobile home she is no longer residing in and will not be able to reside in at any future date. To keep the vacant mobile home costs the Settlor approximately \$700.00 per month for rental of the land within a complex and insurance.

Petitioner stated she has requested of the Co-Agent, Ronald Gray, on several occasions to agree to sell the mobile home owned by the Settlor to allow for additional funds to be provided to the assisted living facility. Ronald Gray refuses to participate in the sale unless the funds are provided to a joint trust account. A trust account is not necessary as the proceeds of the sale can be directly provided to Cottonwood for the monthly expenses.

**Petitioner requested the Court enter an order that:**

1. Lois Gray established the Lois Gray Durable Power of Attorney, on or about April 8, 2009;
2. The Co-Agents named by the Settlor are Eileen Sutterfield and Ronald Gray;
3. Co-Agent Ronald Gray be ordered to participate in the facilitation of the sale of the mobile home owned by the Settlor;
4. For all other relief as the Court deems proper under the circumstances.

**Status Report of Leigh W. Burnside filed on 10/9/13** states on 9/25/13 the parties to this proceeding Ronald Gray ("Ronald") and Eileen Sutterfield ("Eileen"), and their respective attorneys participated in a further settlement conference with the Honorable Robert H. Oliver. Also present at the commencement of the settlement conference was Catherine Sharbaugh, attorney for Lois Gray.

The proceeding arose out of a dispute between Ronald and Eileen over the management of their mother's financial and personal affairs. Both Ronald and Eileen are nominated and acting co-agents under a durable power of attorney executed by their mother, Lois Gray, in April 2009, and are the successor co-trustees of a revocable trust established by Mrs. Gray in April 2009. Ronald and Eileen are also co-agents under an Advanced Health Care Directive signed by Mrs. Gray.

The parties were able to resolve their differences at the settlement conference, and the terms of the settlement were recited in open court and verbally assented to by Ronald and Eileen.

The day following the settlement conference, counsel for the parties spoke (in independent conversations) with the proposed successor trustee, Rick Leas of Central Valley Professional Fiduciary Services, who is based in Fresno. Mr. Leas has agreed to serve as sole successor trustee of Mrs. Gray's Trust, and to Ms. Burnside's knowledge, both Ronald and Eileen agree to resign as co-trustees in favor of Mr. Leas.

Since then, Eileen's attorney, Natalie Nuttall, and Ms. Burnside have been working on a formal written stipulation that sets forth the terms of the parties' settlement. Ms. Burnside believes that they are close to finishing the stipulation.

			<b>NO TEMP REQUESTED</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			<b>ROBERT J. GALINDO</b> , Maternal Grandmother, is Petitioner.	<b>Note:</b> This petition pertains to minor Azariah only. Petitioner was previously granted guardianship of minor George on 5-7-13.
			Father: <b>UNKNOWN</b>	
			Mother: <b>MELISSA BONILLA</b>	
			- Consents and waives notice	
			Paternal Grandparents: Unknown	
			Maternal Grandfather: Sergio Bonilla	
			<b>Petitioner states</b> the child was taken from the mother at the hospital by CPS. She was under the influence of drugs/meth.	
			<b>Court Investigator Jennifer Young filed a report on 11-13-13.</b>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail	X		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
				<b>Reviewed by:</b> skc
				<b>Reviewed on:</b> 11-13-13
				<b>Updates:</b>
				<b>Recommendation:</b>
				<b>File 12 – Bonilla-Ramirez</b>

Atty

Edwards, Stacy Michelle (pro per – maternal aunt/Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Travis, 9	<p align="center"><b><u>NO TEMPORARY EXPIRES;</u></b>  <b><u>TEMPORARY WAS NOT GRANTED AT</u></b>  <b><u>HEARING ON 10/02/13</u></b></p>		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>This Petition pertains to Harmonee only. Guardianship of Travis was granted 11/05/13 to maternal great-aunt, Emma Frierson.</p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent and waiver of Notice <u>or</u> Declaration of Due Diligence for:               <ol style="list-style-type: none"> <li>a. Father (unknown) – Personal service required</li> <li>b. Paternal grandparents (unknown) – service by mail is sufficient</li> <li>c. Maternal grandparents (not listed) – service by mail is sufficient</li> </ol> </li> </ol>
Harmonee, 2			
Cont. from			<p>Father: <b>UNKNOWN</b></p> <p>Mother: <b>TANYANNA GARDNER</b> - Consent &amp; Waiver of Notice filed 09/18/13</p> <p>Paternal grandparents: UNKNOWN</p> <p>Maternal grandfather: UNKNOWN</p> <p>Maternal grandmother: NOT LISTED</p> <p><b>Petitioner states</b> that the mother is unstable and is not able to care for Harmonee at this time. Petitioner states that she is worried about Harmonee's safety and does not want her to grow up in the system, but with family.</p> <p><b>Court Investigator Dina Calvillo filed a report on 10/30/13.</b></p>
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	x		
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	x		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
			<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 10/14/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 – Gardeley &amp; Gardner</b></p>

Atty Jackson, Velicia Lee (pro per – maternal aunt/Petitioner)

## Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Devon, 14		<p align="center"><b><u>TEMPORARY EXPIRES 11/20/13</u></b></p> <p><b>VELICIA JACKSON</b>, maternal aunt, is Petitioner.</p> <p>Father (Devon): <b>ANTHONY FISHER</b>  Father (Khamile and Titus): <b>ORLANDO WATSON</b></p> <p>Mother: <b>BOBBIE JACKSON</b></p> <p>Paternal grandparents: UNKNOWN</p> <p>Maternal grandfather: DELORES JACKSON - deceased  Maternal grandmother: BOBBIE JACKSON - deceased</p> <p>Sibling: MARQAYBEN JONES (18)</p> <p><b>Petitioner alleges</b> that the mother is incarcerated and will remain in prison for at least 2 years. Orlando Watson, Khamile and Titus' father is a violent drug addict. Petitioner states that the children would not be safe in the care of Mr. Watson. Petitioner states that guardianship is necessary in order to provide the children with a safe and stable home.</p> <p><b>Court Investigator Samantha Henson filed a report on – NEED REPORT.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need <i>Notice of Hearing</i>.</li> <li>2. Need proof of service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> or <i>Consent &amp; Waiver of Notice</i> or <i>Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> <li>a. Bobbie Jackson (mother) – Personal service required</li> <li>b. Anthony Fisher (Devon's father) – Personal service required</li> <li>c. Orlando Watson (Khamile &amp; Titus' father) – personal service required</li> <li>d. Devon Fisher (minor) – personal service required</li> <li>e. Paternal grandparents (all) – service by mail sufficient</li> </ol> </li> <li>3. Need CI Report and Clearances – CI to provide.</li> </ol>	
Khamile, 6				
Titus, 2				
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
✓	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			x
✓	Conf. Screen			
✓	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report	x		
<input type="checkbox"/>	9202			
✓	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
✓	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: JF
Reviewed on: 11/14/13
Updates:
Recommendation:
File 14 – Fisher & Watson

**Petition for Appointment of Temporary Guardian of the Person**

Lauren, 15	<b><u>TEMPORARY GRANTED EX PARTE:</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>
Jenelle, 12	<b><u>EXPIRES 11/20/13</u></b>		
	<b>RUBEN MACEDO</b> and <b>ERLINDA MACEDO</b> , maternal grandparents, are Petitioners.		1. Need Notice of Hearing.  2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: - Johnny Jaramillo (father)* *Declaration of Due Diligence filed 11/15/13 states that per a tenant at Mr. Jaramillo's home, he is on vacation and will return 11/16 - Lauren Jaramillo (minor) - Jenelle Jaramillo (minor)
	Father: <b>JOHNNY JARAMILLO</b> – Declaration regarding Diligence filed 11/15/13		
Cont. from	Mother: <b>CYNTHIA MACEDO</b> – Consent & Waiver of Notice filed 11/07/13		
Aff.Sub.Wit.	Paternal grandfather: DECEASED		
✓ Verified	Paternal grandmother: UNKNOWN		
Inventory	Sibling: JOHNNY JARAMILLO		
PTC	<b>Petitioner alleges</b> that the mother is terminally ill and is currently in hospice care. It is not anticipated that she will live much longer. The mother has nominated Petitioners to be guardians. The children have not visited with their father for approximately 3 years. The mother has custody of the children. Petitioners allege that the father is abusive and has a history of domestic violence in his relationships. Further, Petitioners allege that the last time the girls visited their father, he woke Lauren up and spanked her with a belt in Jenelle's presence. Petitioners state that the girls are afraid of their father and have not visited with him since that incident. Petitioners state that temporary guardianship is necessary because they are fearful that the father will try to take custody of the children when he learns of the mother's illness or passing. The girls do not want to have contact with their father.		
Not.Cred.			
Notice of Hrg	X		
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
✓ Conf. Screen			
Letters	X		
✓ Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 11/14/13
			<b>Updates:</b> 11/15/13
			<b>Recommendation:</b>
			<b>File 15 – Jaramillo</b>

<b>DOD: 10-7-12</b>	<b>JOAN ST. LOUIS</b> , Spouse, filed Petition for Assumption of Law Practice of David St. Louis on 9-6-13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
<b>Conf. from 111313</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
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<b>Conf. Screen</b>			
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<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
	<b>Background: Mrs. St. Louis' petition requested:</b> 1) That the Court assume jurisdiction over the law practice of David J. St. Louis and appoint attorney <b>PAUL T. CHAMBERS</b> to represent and assist the Court in assuming jurisdiction; 2) Allow Mr. Chambers to appoint himself as receiver and take possession and control of any and all bank accounts related to Mr. St. Louis' law practice, including the attorney-client trust account which contained \$54,502.09 at 3-31-13; 3) Coordinate with Allison St. Louis, former legal secretary, to determine the clients entitled to funds and the amounts each is owed; 4) Upon determining the recipients and the amounts owed, that Mr. Chambers be allowed to issue checks to the recipients without further court order; 5) Specifically, that Mr. Chambers be allowed, without further Court order, to issue checks from a certain estate account (John K. Shirin Estate) to those recipients entitled thereto; and 6) Upon completion, provided accounting.		
	<b>Non-Opposition to Petition was filed 9-30-13 by the State Bar of California.</b>		
	<b>A Creditor's Claim and Request for Special Notice</b> was filed 9-30-13 by Attorney J. Patrick Sullivan, who represents Walter Wentz, Creditor.		
	<b>Limited Opposition to Petition</b> was filed 10-9-13 by <b>BIANCA SORIA</b> . Ms. Soria states she was a client of Mr. St. Louis, who was wired \$65,000.00 in connection with a settlement. Ms. Soria requested that as a condition to granting the petition, that the Court direct Mr. Chambers to distribute the funds to her, or to post appropriate bond.		
	<b>At hearing on 10-16-13, the Court granted the petition with additional orders and set this status hearing.</b>		
	<b>Subsequent to the hearing, both attorneys David Roberts and Donald Cram submitted competing proposed orders.</b>		
	<b>Therefore, the Court will address the competing proposed orders at this status hearing.</b>		
		<b>Reviewed by:</b> skc	
		<b>Reviewed on:</b> 11-13-13	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 16 – St. Louis</b>	

**1A Stephen & Debbrah Winter Revocable Trust 2/16/94 Case No. 13CEPR00564**  
**Atty Pape, Jeffrey B. (for Dennis Freeman – Successor Trustee/Petitioner)**

**Petition to Determine Title to and Require Transfer of Property to Trust [Prob. C.  
850(a)(2)(3), 855, 17200(b)(6)]**

<b>Stephan DOD:</b> <b>08/09/05</b>		<b>DENNIS FREEMAN</b> , successor trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>This matter to be heard at 1:30 in Dept. 303.</b>  <u><b>CONTINUED FROM 10/21/13</b></u>  <b>As of 11/14/13, nothing further has been filed in regards to this Petition.</b>  <b>Petition to Determine Title to, Require Transfer to and Impose Constructive Trust Over Property and Motion for Judgment on the Pleadings</b> filed by Petitioner are set for hearing on 12/09/13																																																																				
<b>Debbra DOD:</b> <b>05/13/13</b>																																																																							
<b>Cont. from 081213, 102113</b>		<b>Petitioner states:</b> <ol style="list-style-type: none"> <li>Stephan F. Winter and Debbra L. Winter ("Settlers") executed the Stephan F. Winter and Debbra L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlers and initial Trustees. The Trust was amended on 09/14/02.</li> <li>Petitioner is the currently acting successor trustee of the Trust.</li> <li>This petition concerns the ownership of the original Trust documents which Christopher Lull ("Respondent") or his agents have taken possession of and refused to deliver to the trustee.</li> <li>The Settlor's maintained the original trust documents in a binder. Shortly before her death, Debbra delivered the binder to real estate agent Michele Lane in connection with a real estate transaction. The real estate agent had possession of the binder when Debbra died and maintained possession of it, refusing to deliver it to anyone without a court order. Thereafter, Respondent's attorney, Sue Campbell, represented to Michele Lane that the family agreed that it was ok that Ms. Lane release the binder to Respondent in care of attorney Sue Campbell.</li> <li>This was not acceptable to Petitioner because (1) Petitioner was the trustee and not respondent, and (2) Respondent, Debbra's son, had been intentionally omitted from the Trust due to a long standing estranged relationship.</li> <li>Petitioner has demanded the release of the trust binder from Respondent's former attorney, Sue Campbell; however, initially Sue Campbell's assistant professed no knowledge of a binder being picked up by her office and later Sue Campbell professed no knowledge of a binder being picked up from Michele Lane. Petitioner's demands that Respondent deliver the binder to Petitioner's attorney have been ignored.</li> </ol>																																																																					
<table border="1"> <tr> <td><input type="checkbox"/></td> <td><b>Aff.Sub.Wit.</b></td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><b>Verified</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Inventory</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>PTC</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Not.Cred.</b></td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><b>Notice of Hrg</b></td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><b>Aff.Mail</b></td> <td>w/</td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Aff.Pub.</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Sp.Ntc.</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Pers.Serv.</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Conf. Screen</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Letters</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Duties/Supp</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Objections</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Video Receipt</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>CI Report</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>9202</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Order</b></td> <td>x</td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Aff. Posting</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Status Rpt</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>UCCJEA</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>Citation</b></td> <td></td> </tr> <tr> <td><input type="checkbox"/></td> <td><b>FTB Notice</b></td> <td></td> </tr> </table>			<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		<input checked="" type="checkbox"/>	<b>Verified</b>		<input type="checkbox"/>	<b>Inventory</b>		<input type="checkbox"/>	<b>PTC</b>		<input type="checkbox"/>	<b>Not.Cred.</b>		<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/	<input type="checkbox"/>	<b>Aff.Pub.</b>		<input type="checkbox"/>	<b>Sp.Ntc.</b>		<input type="checkbox"/>	<b>Pers.Serv.</b>		<input type="checkbox"/>	<b>Conf. Screen</b>		<input type="checkbox"/>	<b>Letters</b>		<input type="checkbox"/>	<b>Duties/Supp</b>		<input type="checkbox"/>	<b>Objections</b>		<input type="checkbox"/>	<b>Video Receipt</b>		<input type="checkbox"/>	<b>CI Report</b>		<input type="checkbox"/>	<b>9202</b>		<input type="checkbox"/>	<b>Order</b>	x	<input type="checkbox"/>	<b>Aff. Posting</b>		<input type="checkbox"/>	<b>Status Rpt</b>		<input type="checkbox"/>	<b>UCCJEA</b>		<input type="checkbox"/>	<b>Citation</b>		<input type="checkbox"/>	<b>FTB Notice</b>	
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<b>Petitioner prays for an Order:</b> <ol style="list-style-type: none"> <li>Declaring that Petitioner is the sole owner of the original trust documents and that Respondent has no interest in the original trust documents.</li> <li>Directing Respondent to immediately deliver possession to Petitioner of any and all trust documents including but not limited to the original Trust, original Trust amendment, and the estate planning binder.</li> </ol>																																																																							
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**Objection filed 08/07/13** by Christopher Lull, Respondent, states:

1. Petitioner does not have standing to bring this Petition. Petitioner is not the trustee because the amendment naming him as trustee was revoked. Morgan Quail witnessed the destruction of the amendment (see *Declaration of Morgan Quail*). Without the amendment, Petitioner is not the trustee or a beneficiary of the Trust and has no vested interest in the Trust.
2. Petitioner is not a relative or heir of Debbra L. Winter.
3. Michele Lane, the real estate agent described in the Petition, was in possession of the original estate planning binder at the time of Debbra Winter's death. Ms. Lane turned over the binder to Respondent because she found his name in the estate documents, and could not locate Petitioner's name in the binder. Because Ms. Lane could not find Petitioner's name in the documents and didn't know who he was, she refused to turn the binder over to him. Respondent's attorney has spoken to Ms. Lane and anticipates that she will be a witness in this matter. Ms. Lane stated to Respondent's attorney that Petitioner admitted to her that he never even met Debbra Winter. This information supports the fact that the amendment was destroyed and not in the original estate planning binder.
4. In the absence of the original, there is a legal presumption that the document was revoked. Additionally, pursuant to Probate Code § 6120(b), we have an act of destruction consistent with the intent to revoke. This presumption cannot be overcome based on the Declaration of Morgan Quail and the expected testimony of Michele Lane.
5. Respondent, Christopher Lull, is the successor trustee of the Trust dated 07/16/94 and the primary beneficiary. He had every right to withdraw the money from Bank of America, as Trustee.

**Objector prays for an Order:**

1. Denying the Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account; and
2. Denying the Petition to Determine Title to and Require Transfer of Property to Trust.

**Declaration of Morgan Quail in Support of Objection** filed 08/07/13 states:

1. He is Debbra Winter's nephew and probably one of her closest family members. Debbra felt like a bit of an outsider in their family and felt left out. Declarant always tried to include her in his life events and she always seemed grateful to be included.
2. Their family has a lot of drama. Declarant states that he has tried to stay out of it and remain neutral. He believes that this is why Debbra confided in him and spoke to him about things she might not talk about with others.
3. Approximately 2 years ago on Father's Day, Debbra pulled Declarant aside and asked to talk to him. During their conversation, she removed a document titled amendment to trust from her purse and proceeded to tear it up in front of him. She stated that she wanted to keep her money in the family. Declarant also believes she was having conversations with her sister Catherine and father Stanton about this issue as well.
4. At Christmastime later that year, Declarant received a card from Debbra thanking him for the talk on Father's Day.



**Petition to Determine Title to and Require Transfer of Property to Trust Regarding  
Bank Account [Prob. C. 850(a)(2)(3), 855, 17200(b)(6)]**

<b>Stephan DOD:</b> 08/09/05	<p><b>DENNIS FREEMAN</b>, successor trustee, is Petitioner.</p> <p><b>Petitioner states:</b></p> <p>7. Stephan F. Winter and Debbrah L. Winter ("Settlers") executed the Stephan F. Winter and Debbrah L. Winter Revocable Trust (the "Trust") on 02/16/94 in their capacity as Settlers and initial Trustees. The Trust was amended on 09/14/02.</p> <p>8. Petitioner is the currently acting successor trustee of the Trust.</p> <p>9. This petition concerns the ownership of Bank of America account no. xxxx xxxx 3919 with a balance of over \$565,000 which was an asset of the Trust.</p> <p>10. Petitioner is informed and believes that Respondent, Christopher Lull, presented Bank of America on or about June 26, 2013 the original 02/16/94 Trust without including the 09/14/02 amendment and wrongfully obtained the balance of the Bank of America Account.</p> <p><b>Petitioner prays for an Order:</b></p> <p>1. Declaring that Petitioner is the sole owner of the funds in Bank of America account no. xxxx xxxx 3919 and the sums wrongfully removed from said account and that Respondent has no interest in the account or the balance of the account;</p> <p>2. Directing Respondent to immediately deliver the amounts removed from the account to Petitioner;</p> <p>3. Directing Respondent to pay Petitioner's attorney's fees and costs; and</p> <p>4. Awarding Petitioner with exemplary damages against Respondent according to proof.</p> <p align="center"><b>Continued on Page 2</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>This matter to be heard at 1:30 in Dept. 303.</b></p> <p><u><b>CONTINUED FROM 10/21/13</b></u></p> <p><b>As of 11/14/13, nothing further has been filed in regards to this Petition.</b></p> <p><b>Petition to Determine Title to, Require Transfer to and Impose Constructive Trust Over Property and Motion for Judgment on the Pleadings</b> filed by Petitioner are set for hearing on 12/09/13</p>
<b>Debbra DOD:</b> 05/13/13		
<b>Cont. from 081213, 102113</b>		
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		<p><b>Reviewed by:</b> JF</p> <p><b>Reviewed on:</b> 11/14/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 1B – Winter</b></p>

**Objection filed 08/07/13** by Christopher Lull, Respondent, states:

6. Petitioner does not have standing to bring this Petition. Petitioner is not the trustee because the amendment naming him as trustee was revoked. Morgan Quail witnessed the destruction of the amendment (see *Declaration of Morgan Quail*). Without the amendment, Petitioner is not the trustee or a beneficiary of the Trust and has no vested interest in the Trust.
7. Petitioner is not a relative or heir of Debbra L. Winter.
8. Michele Lane, the real estate agent described in the Petition, was in possession of the original estate planning binder at the time of Debbra Winter's death. Ms. Lane turned over the binder to Respondent because she found his name in the estate documents, and could not locate Petitioner's name in the binder. Because Ms. Lane could not find Petitioner's name in the documents and didn't know who he was, she refused to turn the binder over to him. Respondent's attorney has spoken to Ms. Lane and anticipates that she will be a witness in this matter. Ms. Lane stated to Respondent's attorney that Petitioner admitted to her that he never even met Debbra Winter. This information supports the fact that the amendment was destroyed and not in the original estate planning binder.
9. In the absence of the original, there is a legal presumption that the document was revoked. Additionally, pursuant to Probate Code § 6120(b), we have an act of destruction consistent with the intent to revoke. This presumption cannot be overcome based on the Declaration of Morgan Quail and the expected testimony of Michele Lane.
10. Respondent, Christopher Lull, is the successor trustee of the Trust dated 07/16/94 and the primary beneficiary. He had every right to withdraw the money from Bank of America, as Trustee.

**Objector prays for an Order:**

3. Denying the Petition to Determine Title to and Require Transfer of Property to Trust Regarding Bank Account; and
4. Denying the Petition to Determine Title to and Require Transfer of Property to Trust.

**Declaration of Morgan Quail in Support of Objection** filed 08/07/13 states:

5. He is Debbra Winter's nephew and probably one of her closest family members. Debbra felt like a bit of an outsider in their family and felt left out. Declarant always tried to include her in his life events and she always seemed grateful to be included.
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